



# UNITED STATES PATENT AND TRADEMARK OFFICE

CH  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,045	09/09/2003	Siegfried Franke	HOE-776	3269
20028	7590	11/30/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			MITCHELL, GREGORY W	
		ART UNIT	PAPER NUMBER	
		1617		

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,045	FRANKE ET AL.	
	Examiner Gregory W. Mitchell	Art Unit 1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 August 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This Office Action is in response to the Election filed on August 29, 2005. Claims 1-11 are pending. Claims 8-11 are withdrawn from consideration. Claims 1-7 are examined herein.

### *Election/Restrictions*

Applicant's election without traverse of Group I, drawn to a composition, in the reply filed on August 29, 2005 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franke et al. (DD 299458, relying on 117CA:106200 as an English language abstract) in view of Wolthers et al. (DD 301726, relying on 120CA:99206 as an English language abstract), Hill et al. (USPN 6723349) and Fuchs et al. (USPN 4284645).

Franke et al. teaches a detoxicant comprising 0.5-2.6M sodium; 10-60% of an amino alcohol, preferably dimethylaminoethanol; 0-20% of an alcohol; 20-80% of an alkylcaprolactam; and, optionally, benzene or cyclohexane. Alcohols, such as methanol, ethanol and propanol are disclosed. See page 1, line 37 of the patent. It is

Art Unit: 1617

noted that the addition of sodium to the composition will, necessarily, produce a sodium alkoxide and/or a sodium aminoalkoxide. Franke et al. does not specifically teach the claimed compounds (i.e., a C2-C5 acid amide and/or a C2-C6 diamine).

Wolthers et al. teaches a detoxicant comprising an alkali metal, such as sodium; an amino alcohol, such as aminoethanol; an alcohol, such as butanol; and a strongly polar solvent, such as DMSO.

Hill et al. teaches a decontaminating composition comprising a solvent selected from, e.g., NMP and DMSO.

Fuchs et al. teaches both NMP and DMSO to be known in the chemical art as strongly polar solvents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the alkylcaprolactam of Franke et al. with NMP (or a C4-C5 lactam) because (1) alkylcaprolactam is a C6 lactam (acid amide); (2) NMP is a C3 lactam; (3) absent unexpected properties, adjacent homologs are generally considered to be obvious, *In re Hass*, 141 F.2d 127, 60 USPQ 548 (CCPA 1944); *In re Henze*, 85 USPQ 261 (CCPA 1950); (4) Wolthers et al. teaches that the solvent of a detoxicant comprising an amino alcohol, an alcohol and an alkali metal need only be strongly polar; (5) DMSO and NMP are both known in the art to be strongly polar; and (6) both NMP and DMSO are both known in the art to be useful as solvents of decontaminating agents. One would have been motivated to substitute the alkylcaprolactam of Franke et al. with NMP because of an expectation of similar success in preparing a detoxicant.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W Mitchell whose telephone number is 571-272-2907. The examiner can normally be reached on M-F, 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gwm



SREENI PADMANABHAN  
SUPERVISORY PATENT EXAMINER